



PLANNING COMMISSION AGENDA

Wednesday, October 26, 2005

5:00 p.m. STUDY SESSION

Room # T-332

Joint session with Airport Land Use Commission

**6:30 p.m. Regular Meeting
Council Chambers, City Hall**

**200 East Santa Clara Street
San Jose, California**

**Bob Dhillon, Chair
Xavier Campos, Vice-Chair**

**Bob Levy Jay James
Dang T. Pham
Christopher Platten James Zito**

**Stephen M. Haase, Director
Planning, Building and Code Enforcement**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Bob Dhillon** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***Wednesday, October 26, 2005***. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

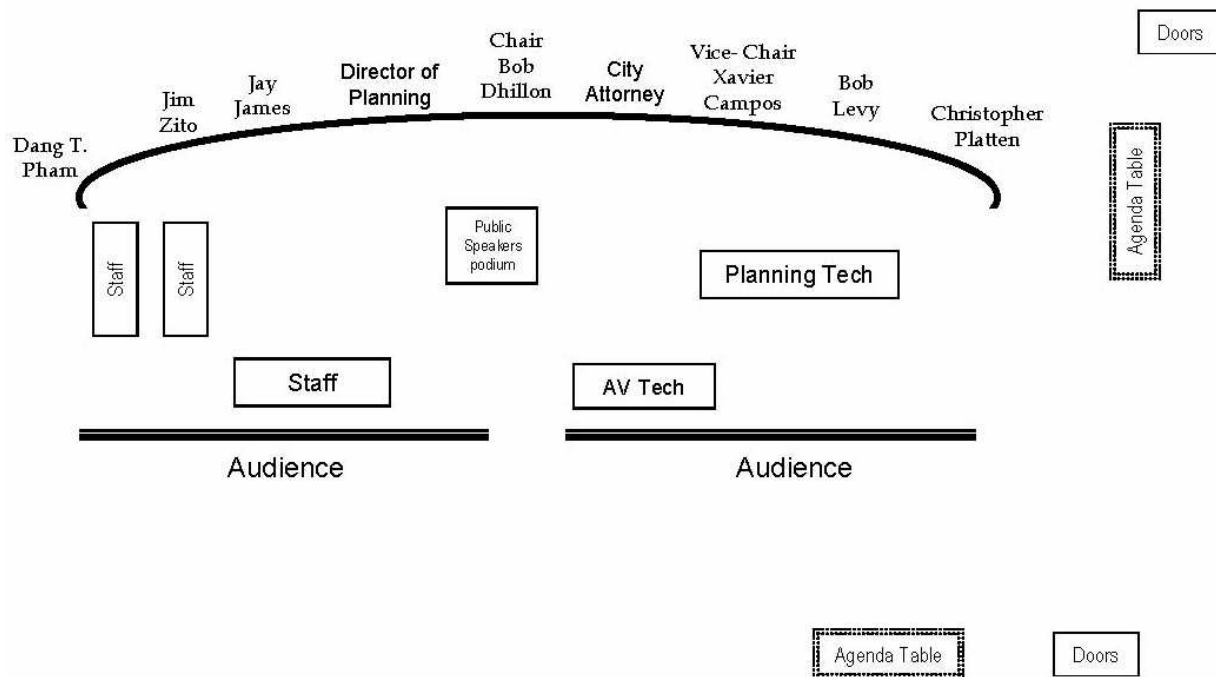
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. The projects being considered are located on west side of Morrill Avenue, 550 feet southerly of Landess Avenue (TARGET) (2155 MORRILL AV) in the CG-General Commercial Zoning District (Cheng Betty L Trustee, Owner). Council District 4. SNI: None. CEQA: Exempt. Continued from 9-28-05.

1. [CP05-033](#). Conditional Use Permit request to allow off-sale of alcoholic beverages at an existing retail commercial building on a 9.02 gross acre site

DEFER TO 12-07-05

2. [ABC05-003](#). Liquor License Exception permit to allow off-sale of alcoholic beverages at an existing retail commercial building on a 9.02 gross acre site.

DEFER TO 12-07-05

- b. [PDC05-059](#). Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow 44 single-family detached residences on a 2.79 gross acres site, located at the east side of North Ninth Street between Taylor Street and Jackson Street (680 N 9TH ST) (Le Ba Van And Nguyen Hanh Thi Et Al, Bale Properties Huong Le, Martin and Nell Feldman Trustee, Owner). Council District 3. SNI: 13th Street. CEQA: Mitigated Negative Declaration.

DEFER TO 11-09-05

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. [CPA02-047-01](#). Conditional Use Permit Amendment to allow a drinking establishment in conjunction with a new restaurant (Chili's) on a 42.06 gross acres site in the CG General Commercial Zoning District located on the north side of Quimby Road, approximately 750 feet west of Capitol Expressway (Brinker International, Owner; General Growth Properties, Inc, Developer). Council District 8. SNI: None. CEQA: Use of the EIR for the Eastridge Mall Redevelopment Project, Resolution 03-072

Staff Recommendation:

Consider the Environmental Impact Report and find it in compliance with CEQA. Approve a Conditional Use Permit Amendment to allow a drinking establishment in conjunction with a new restaurant as recommended by Staff.

- b. [CPA02-047-02](#). Conditional Use Permit to allow a drinking establishment in conjunction with a new restaurant (Romano's Macaroni Grill) on a 42.06 gross acres site in the CG General Commercial Zoning District located on the north side of Quimby Road 300 westerly of Capitol Expressway (2200 Eastridge Loop) (Brinker International, Owner; General Growth Properties, Inc, Developer). Council District 8. SNI: None. CEQA: Use of the EIR for the Eastridge Mall Redevelopment Project, Resolution 03-072

Staff Recommendation:

Consider the Environmental Impact Report and find it in compliance with CEQA. Approve a Conditional Use Permit Amendment to allow a drinking establishment in conjunction with a new restaurant as recommended by Staff.

- c. [CP04-007](#). Adoption of a Resolution for a Conditional Use Permit to allow the conversion of five existing single-family detached residences for religious assembly uses as an expansion of an existing church facility on a 2.06 gross acre site in the R-1-8 Residential Zoning District located at the southerly terminus of Pinewood Drive 310 feet southerly of Williams Road (4488 Williams Road) (Korean Baptist Church Of San Jose, Owner). Council District 1. SNI: None. CEQA: Exempt. Continued from 10-12-05.

Staff Recommendation:

Approve the adoption of a Resolution to approve a Conditional Use Permit to allow the conversion of five existing single-family detached residences for religious assembly uses as an expansion of an existing church facility as recommended by Staff.

- d. [CP04-011](#). Adoption of a Resolution to approve a Conditional Use Permit to legalize conversion of a single-family detached residence to a private performing arts school use on a 0.14 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on northeast corner of Garces Avenue and Santa Teresa Boulevard (5998 GARCES AV) (Fagundes Anthony D And A J Trustee, Owner). Council District 10. SNI: None. CEQA: Exempt. Continued from 10-12-05.

Staff Recommendation:

Approve the adoption of a Resolution to approve a Conditional Use Permit to legalize conversion of a single-family detached residence to a private performing arts school use as recommended by Staff.

- e. [PDC05-043](#). Planned Development Rezoning from A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to 12 single-family detached residences on a 3.19 gross acre site, located at/on the southeast corner of Fleming Avenue and Morrie Drive (1351 FLEMING AV) (Wallech Judith M Trustee & Et Al, Owner; Braddock & Logan Group Mr James Sullivan, Developer). Council District 5. SNI: None. CEQA: Negative Declaration.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a proposed Planned Development Rezoning from A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to 12 single-family detached residences as recommended by Staff.

The following items are considered individually.

4. PUBLIC HEARINGS

- a. [PDC05-012](#). Planned Development Rezoning from the R-1-5, R-1-8, and R-M Residence Districts to A(PD) Planned Development District to allow 56 multi-family attached residences on a 2.27 gross acre site, located on the east side of Almaden Road across from the intersection with Malone Road (1992 ALMADEN RD) (Camara Maurice M and Adaleah K Tr Trustee, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a proposed Planned Development Rezoning from the R-1-5, R-1-8, and R-M Residence Districts to A(PD) Planned Development District to allow 56 multi-family attached residences as recommended by Staff.

- b. [PDC05-022](#). Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 98 single-family attached residences on a 4.7 gross acre site, located on the northwest corner of Old Oakland Road and Rock Avenue (2059 OAKLAND RD) (Pestana Ernest E Trustee, Owner). Council District 4. SNI: None. CEQA: Negative Declaration.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a proposed Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 98 single-family attached residences as recommended by Staff.

- c. **PDA94-016-02**. APPEAL of the Planning Director's decision to approve a Planned Development Permit Amendment to construct a 7,885 square foot expansion of existing ammonia gas vault and minor site improvements for industrial uses on a 88.73 gross acre site, in the IP(PD) Planned Development Zoning District, located at/on the southwest corner of Trimble Road and Orchard Parkway (370 W TRIMBLE RD) (AGILENT TECHNOLOGIES INC, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Uphold Planning Director's decision to approve a Planned Development Permit Amendment to construct a 7,885 square foot expansion of existing ammonia gas vault and minor site improvements for industrial uses as recommended by Staff.

- d. **SP02-006**. Appeal of the Planning Director's decision to deny a Special Use Permit to legalize the addition of an unpermitted 200 square foot storage room, bathroom, and wet bar to an existing single-family detached garage on a 0.21 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the east side of McLaughlin Avenue approximately 250 feet south of Appian Lane (730 McLaughlin Ave.) (Maria Teresa Snyder, Owner). Council District 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Exempt.

Staff Recommendation:

Uphold Planning Director's decision to deny a Special Use Permit to legalize the addition of an unpermitted 200 square foot storage room, bathroom, and wet bar to an existing single-family detached garage as recommended by Staff.

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

7. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' reports from Committees:

- Norman Y. Mineta San Jose International Airport Noise Advisory Committee (James).
- Coyote Valley Specific Plan (Platten)
- Evergreen East Hills Vision Strategy Task Force (Levy)

c. **Review of synopsis**

8. **ADJOURNMENT**

2005 PLANNING COMMISSION MEETING SCHEDULE

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|---|-----------------------|--|---|
| January 12 | 5:00 p.m. - 6:00 p.m. | <i>Study Session</i> | Room 400 |
| | | <i>Discussion of Meeting Logistics</i> | |
| January 12 | 6:00 p.m. | Regular Meeting | Council Chambers |
| January 26 | 6:00 p.m. | Regular Meeting | Council Chambers |
| Monday, February 7 | 4:45 p.m. | <i>Study Session</i> | Room 400 |
| | | <i>Discussion of Jobs/Housing Imbalance</i> | |
| Monday, February 7 | 6:00 p.m. | Regular Meeting | Council Chambers |
| February 23 | 6:00 p.m. | Regular Meeting | Council Chambers |
| March 9 | 4:45 p.m. | <i>Study Session</i> | Room 400 |
| | | <i>Discussion of General Plan Amendments/development projects</i> | |
| March 9 | 6:00 p.m. | General Plan/Regular Meeting | Council Chambers |
| March 23 | 6:00 p.m. | General Plan/Regular Meeting | Council Chambers |
| Monday, April 11 | CANCELLED | <i>Study Session</i> | Room 400 |
| | | <i>Discussion of Alcohol sales</i> | |
| Monday, April 11 | 6:00 p.m. | Regular Meeting | Council Chambers |
| April 27 | 6:00 p.m. | Regular Meeting | Council Chambers |
| Monday, May 2 | 4:00 p.m. | <i>Study Session</i> | Room 216B |
| | | <i>Review CIP</i> | |
| Monday, May 2 | 6:00 p.m. | Regular Meeting | Council Chambers |
| May 11 | 4:00 p.m. | <i>Study Session</i> | Room 400 |
| | | <i>Discussion of Parks planning strategy (Joint session with Parks Commission)</i> | |
| May 11 | 6:00 p.m. | General Plan/Regular Meeting | Council Chambers |
| May 25 | 6:00 p.m. | General Plan/Regular Meeting | Council Chambers |
| Thursday, June 2 | 5:00 p.m. | <i>Study Session</i> | Room 106E |
| | | <i>Discussion of Jobs/Housing/Transportation Policy Update</i> | |
| Thursday, June 2 | 6:00 p.m. | General Plan/Regular Meeting | Council Chambers |
| Monday, June 6 | 6:00 p.m. | General Plan/Regular Meeting | Council Chambers |
| Tuesday, June 7 | 6:30 p.m. | General Plan/Regular Meeting | Health Bldg. Rm. 202A/B |
| June 8 | CANCELLED | Regular Meeting | Council Chambers |
| Wednesday, June 15 | 6:00 p.m. | Regular Meeting | Council Chambers |
| June 22 | 6:00 p.m. | Regular Meeting | Council Chambers |
| July 13 | CANCELLED | Regular Meeting | Council Chambers |
| July 27 | 6:00 p.m. | Regular Meeting | Council Chambers (801 N. 1 ST St.) |
| August 10 | 6:00 p.m. | Regular Meeting | Council Chambers (801 N. 1 ST St.) |
| Meetings August 24th and subsequent located in Council Chambers on 200 East Santa Clara St. | | | |
| August 24 | 6:30 p.m. | Regular Meeting | Council Chambers |
| September 14 | 6:30 p.m. | Regular Meeting | Council Chambers |
| September 28 | 6:30 p.m. | General Plan/Regular Meeting | Council Chambers |
| October 12 | 6:30 p.m. | Regular Meeting | Council Chambers |
| October 26 | 5:00 p.m. | <i>Study Session</i> | Room T-332 |
| | | <i>Joint Airport Land Use/Planning Commission</i> | |
| October 26 | 6:30 p.m. | Regular Meeting | Council Chambers |
| November 9 | 6:30 p.m. | General Plan/Regular Meeting | Council Chambers |
| November 16 | 5:00 p.m. | <i>Study Session</i> | Room T-332 |
| | | <i>Joint Planning/Parks Commission</i> | |
| November 16 | 6:30 p.m. | Regular Meeting | Council Chambers |
| December 7 | 6:30 p.m. | Regular Meeting | Council Chambers |
| December 8 | 8:00 a.m. - 5:00 p.m. | Annual Retreat | Room T-1572 |